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July 14, 2003

PROCUREMENT DIRECTIVE NO. 2003-03

TO: All Chief Procurement Officers
All Executive Departments

FROM: Aaron S. Fujioka, Administrator

SUBJECT: Implementation of 103D-310, HRS, Act 52, SLH 2003

Pending further guidelines from the Departments of Labor and Industrial Relations and Commerce and Consumer Affairs, this office is enclosing the attached as a Special Provision in all future solicitations. We request that your agency do the same until we are able to clarify the process for all vendors.

If you have any questions, please contact me at 587-4700 or Robert Governs at 586-0554. Thank you.

attachment

SPECIAL PROVISIONS

UNDER “METHOD OF AWARD”

Act 52, SLH 2003, amended §103D-310, HRS, by adding subsection (c) which, in part, follows:

"(c) All offerors, upon award of contract, shall comply with all laws governing entities doing business in the State, including chapters 237, 383, 386, 392, and 393, and shall:

- (1) Be incorporated or organized under the laws of the State; or
- (2) Be registered to do business in the State as a separate branch or division that is capable of fully performing under the contract."

At the release of this solicitation, implementation of the law is pending guidance from the Departments of Labor and Industrial Relations and Commerce and Consumer Affairs. Should guidance be received and implemented prior to award of this contact, the prospective awardee will be required to comply.